

Amendment No. 1 to HB0123

**Briley
Signature of Sponsor**

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 389

House Bill No. 123*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-15-727, is amended by deleting the section in its entirety and substituting instead the following:

(a) The provisions of Tennessee rules of civil procedure Rule 60.01 relative to clerical mistakes shall apply to all courts of general sessions. The general sessions judge shall have the authority under the same circumstances and in the same manner as is provided in Rule 60.01 to correct such mistakes.

(b) The provisions of Tennessee rules of civil procedure Rule 60.02 relative to mistakes, inadvertence, excusable neglect, fraud, and other similar reasons set out in such rule shall apply to all courts of general sessions. A motion under the general sessions court's authority under Rule 60.02 shall be filed within ten (10) days of the date of judgment. Once filed, the motion shall toll the ten-day period for seeking a *de novo* review in the circuit court until the determination of such motion is concluded. Thereafter, an appeal for *de novo* review in the circuit court shall be filed within ten (10) days of the general sessions court's ruling on the motion to relieve a party or the parties' legal representative from a final judgment, order or proceeding in the same manner as provided in Rule 60.02.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.